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Dated: October 20, 2008  
Electronic Signature for Brian C. Trinke, Ph.D.: /Brian C. Trinke, Ph.D./

Docket No.: NV2-0047US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Prasad Koteswara *et al.*

Application No.: 10/527,628

Confirmation No.: 9537

Filed: May 25, 2005

Art Unit: 4161

For: **PROCESS FOR PREPARING  
INTERMEDIATES**

Examiner: Rodriguez-Garcia, Valerie

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed September 19, 2008.

The Examiner has required restriction between the following inventions in the above-identified application:

- Group I: Claims 1-9, drawn to process of preparing a compound of formula (VIII) where  $X=CH_2$ ,  $n=1$  and  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  are independently hydrogen or aliphatic;
- Group II: Claims 1-3 and 5-9, drawn to process of for preparing a compound of formula (VIII) where  $X$ ,  $n$  and  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  are collectively not those of Group I;
- Group III: Claims 10-12 and 15-16, drawn to process to form a compound of formula (III) where  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  are independently hydrogen or alkyl;

- Group IV: Claims 10, 12 and 16, drawn to process to form a compound of formula (III) where  $R_2$  and  $R_3$  and/or  $R_4$  and  $R_5$  collectively form a  $C_{4-7}$  cycloalkyl;
- Group V: Claims 13-14, drawn to process to form a compound of formula (IV) where  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  are independently hydrogen or alkyl;
- Group VI: Claim 13, drawn to process to form a compound of formula (IV) where  $R_2$  and  $R_3$  and/or  $R_4$  and  $R_5$  collectively form a  $C_{4-7}$  cycloalkyl;
- Group VII: Claims 17-20, drawn to process to form a compound of formula (V) where  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  are independently hydrogen or alkyl;
- Group VIII: Claim 17, drawn to process to form a compound of formula (V) where  $R_2$  and  $R_3$  and/or  $R_4$  and  $R_5$  collectively form a  $C_{4-7}$  cycloalkyl;
- Group IX: Claims 21-25, drawn to process to form a compound of formula (VII) where  $X=CH_2$ ,  $n=1$  and  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  are independently hydrogen or alkyl;
- Group X: Claims 21 and 24-25, drawn to process to form a compound of formula (VII) where  $X=CH_2$ ,  $n=1$  and  $R_2$  and  $R_3$  and/or  $R_4$  and  $R_5$  collectively form a  $C_{4-7}$  cycloalkyl;
- Group XI: Claims 21-25, drawn to process of to from a compound of formula (VIII) where  $X=CH_2$ ,  $n=1$  and  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  are collectively not those of Groups X or XI;
- Group XII: Claims 26-29, drawn to process of to from a compound of formula (VIII) where  $X=CH_2$ ,  $n=1$  and  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  are independently hydrogen or alkyl;
- Group XIII: Claims 26-29, drawn to process of to from a compound of formula (VIII) where  $X$ ,  $n$  and  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  are collectively not those of Group XIII;

Group XIV: Claims 30-34, drawn to a compound of formula (I) where  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  are independently hydrogen or alkyl;

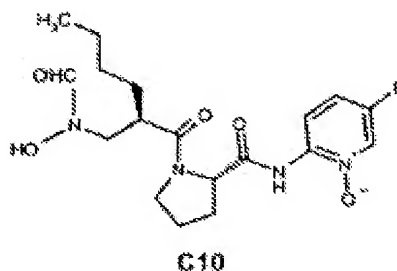
Group XV: Claims 30-32, drawn to a compound of formula (I) where  $R_2$  and  $R_3$  collectively form a  $C_{4-7}$  cycloalkyl;

Group XVI: Claims 35-37, drawn to a compound of formula (VII) where  $X=CH_2$ ,  $n=1$  and  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  are independently hydrogen or alkyl; and

Group XVII: Claims 35-37, drawn to a compound of formula (VII) where  $X$ ,  $n$  and  $R_2$ ,  $R_3$ ,  $R_4$  and  $R_5$  collectively are not those of Group XVII.

Accordingly, Applicant hereby elects, without traverse, Group I, claims 1-9, for continued examination.

Applicant further elects compound C10 for prosecution on the merits.



This compound is disclosed in the instant application as originally filed, at least, on page 23. It is Applicant's understanding that this species election is for searching purposes only.

Applicant reserves the right to traverse the restriction between the aforementioned groups in this or a continuing application. Applicant further reserves the right to pursue the non-elected groups in one or more divisional applications.

If a telephone conversation with Applicant's agent would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned agent at (617) 227-7400.

Application No.: 10/544,919

Docket No.: NV2-0036US

If additional fees are due, please charge our Deposit Account No. 12-0080, under Order No. NV2-047US, from which the undersigned is authorized to draw.

Dated: October 20, 2008

Respectfully submitted,

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